IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 30415 of 2007(U)

PETITIONER:

E. UMMER BAVA, S/O. ALIKUTTY,
AGED 63 YEARS, P.W.D.CONTRACTOR & MANAGING PARTNER
M/S. VASANTH CONSTRUCTIONS, BAVA'S ARCADE,
DOWN HILL P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY ITS SECRETARY TO GOVERNMENT, DEPT. OF
PUBLIC WORKS, GOVT.SECRETARIAT,THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, MALAPPURAM.

3. KERALA STATE INDUSTRIAL DEVELOPMENT
CORPORATION LIMITED, KESTON ROAD, KOWDIAR,
THIRUVANANTHAPURAM, REP. BY ITS GENERAL MANAGER.

4. THE SUPERINTENDING ENGINEER,
P.W.D. (NATIONAL HIGHWAY), NORTH CIRCLE,KOZHIKODE.

BY GOVT. PLEADER SRI. I.V.PRAMOD
SRI. SAJI VARGHESE, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C). NO. 30415 OF 2007

Dated this the 15th day of October, 2007

J U D G M E N T

The prayer made in this writ petition is to direct the respondents to permit the petitioner to make use of the Hot Mixing Plant established by the petitioner on the strength of agreement dated 10.2.05 executed with the 3rd respondent in order to enable the petitioner to complete the work awarded to him. As is evident from Para. 6 of the writ petition, petitioner has filed W.P.(C) No.14474/2007 in which one of the reliefs prayed for is for extension of the lease of the land wherein the Hot Mixing Plant is installed by him.

2. The relief sought in this writ petition is consequent on the refusal of the respondents to renew the lease as per Exts.P10 and P12. Since the prayer sought is already pending consideration of this Court in W.P.(C) No.14474/07 a second writ petition for the same relief is not permissible.

In view of the above, the writ petition is dismissed with liberty to the contentions raised by the writ petitioners.

ANTONY DOMINIC, JUDGE

vps